

Applicant: Valentino Campagnolo
Application No.: 09/850,069

REMARKS

Claims 4, 5, and 45-50 are currently pending in this application. By the foregoing Amendment, Applicant has canceled claims 13-44 without prejudice to a continuation application, amended claim 4, and added new claims 45-50. No new matter has been introduced into the application by these amendments.

In the action, each of the previously added claims 13-44 were either rejected over prior art or withdrawn from consideration as being directed to a non-elected species. Applicant has canceled claims 13-44 without prejudice or concession that the cited art anticipates or renders the claims obvious.

In the prior Office Action dated July 16, 2002, claims 4 and 5 were indicated as allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Accordingly, in the response filed December 23, 2002 Applicant amended claim 4 to properly include all of the limitations of claim 1, while also addressing the Section 112 rejection.

In the currently pending Office Action dated April 15, 2003, claims 4 and 5 were again rejected under Section 112, second paragraph. Applicant has amended claim 4 to specifically address the Section 112 rejections. Accordingly, Applicant respectfully requests withdrawal of the Section 112 rejections.

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Claims 4 and 5 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (U.S. Patent No. 5,170,981) in view of Davis (U.S. Patent No. 5,597,225). Both the Lin and Davis references were cited by the Examiner in the prior Office Action, dated July 16, 2002, but not used to reject claims 4 or 5. Applicant respectfully traverses this rejection.

In response to the new rejection, Applicant has added claims 45 and 46 which contain all of the limitations of currently pending claims 4 and 5 respectively, but which employ language which more closely approximates the language of claims 4 and 5 as originally filed. Similarly, newly added claims 47 and 48 are similar in scope to claims 4 and 5 that were indicated as allowable in the July 16, 2002 Office Action. Newly added claims 49 and 50 are virtually identical to claims 4 and 5 that were indicated as allowable in the July 16, 2002 Office Action. Applicant addresses the Examiner's application of the Lin and Davis references below.

Lin fails to disclose a containment unit for being fixed to a bicycle frame at the same anchoring point as the bottle cage, as described in independent claims 4, 45, and 47. Claims 4, 45, and 47 each recite a containment unit which uses the same anchoring point as the bottle cage and which can be attached to the bicycle frame independently of the bottle cage. Lin describes a bag (33) that attaches to the base (30) by means of a member (35) having a channel (36) to engage the beams (34)

of the base (30). Lin's bag is not affixed to the frame and it can not ever be installed in the absence of the base (30). See Lin at Column 2, lines 22-36.

Lin also fails to disclose a container for an electronic control system and a power supply, as claimed in claims 4 and 45, or a container for an electronic control system, as claimed in claim 47, which is rigidly connected to a bottom end of auxiliary supporting means and projects in cantilever fashion therefrom. Lin's bag has no function and is a simple open repository for "small objects, such as coins, etc." See Lin at Column 1, lines 64-66. It follows that Lin's bag (30) cannot project in a cantilever fashion; by definition, a cantilever must be sufficiently rigid to support itself from one end.

Davis fails to provide for the deficiencies in Lin. Davis does not disclose a containment unit comprising a conformation suitable for being fixed to the frame at the same anchoring point as that for the bottle-cage supporting unit, auxiliary supporting means, or a container for at least one of an electronic control system and a power supply system, as claimed in claims 4 and 45, or a container for an electronic control system, as claimed in claim 47, connected to a bottom end of auxiliary supporting means and projecting in cantilever fashion therefrom.

Davis discloses a battery pack (20) sized for mounting *within* a standard bicycle bottle cage (40). This configuration, unlike Applicant's claimed invention, prevents the use of the bottle cage for its intended purpose of storing a bottle.

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Claims 49 and 50 are virtual copies of the earlier allowable claims without the Examiner noted Section 112 issues. The foregoing arguments therefore also apply to independent claim 49 and claim 50 which depends therefrom.

Neither Lin nor Davis teaches or discloses a containment unit compatible with a separate bottle-cage supporting unit for storing an electronic control system or a power supply system. Applicant respectfully submits that the Examiner's combination of the cited references can only be advanced as a result of using the Applicant's disclosure as a blueprint for constructing the invention. Neither reference provides any motivation for its combination with the other. Accordingly, Applicant respectfully submits that claims 4, 45, 47, and 49 are patentable over Lin in view of Davis. Claims 5, 46, 48, and 50 which depend from claims 4, 45, 47, and 49 respectively, are therefore also patentable.

Claims 5, 46, 48, and 50 are further patentable over the cited references because neither Lin nor Davis teach or disclose auxiliary supporting means provided laterally with elastic clamps for anchoring an elongated sheath constituting the container for a battery. Further, there is no indication given in the April 15, 2003 Action that either reference discloses these elements.

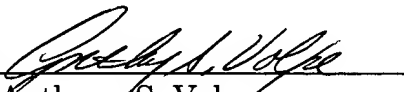
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In view of the foregoing, Applicant respectfully submits that pending claims 4, 5, and 45-50 are in condition for allowance. Reconsideration and an early notice of allowance are respectfully solicited.

If for any reason the Examiner believes that an interview, either telephonically or in person, would assist in the prosecution of the application, the Examiner is respectfully requested to contact the undersigned to arrange an interview.

Respectfully submitted,

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Enclosures